

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
Case No. 18-20164-cr-JEM

UNITED STATES OF AMERICA

v.

MIGUEL LOUREIRO,

Defendant.

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PROFFER OF FACT

The United States of America and the defendant, Miguel LOUREIRO, agree that that if this matter were to proceed to trial, the United States would prove the following facts beyond a reasonable doubt:

1. Title 50, Code of Federal Regulations, Section 10.13 lists species of migratory birds in alphabetical order. The list includes Indigo Buntings (*Passerina cyanea*), Blue Grosbeaks (*Passerina caerulea*), Rose-breasted Grosbeaks (*Pheucticus ludovicianus*), Painted Buntings (*Passerina ciris*), White-crowned Sparrows (*Zonotrichia leucophrys*), Clay-colored Sparrows (*Spizella palida*), and Grasshopper Sparrows (*Ammodramus savannarum*).

2. On January 31, 2016, a United States Fish and Wildlife Special Agent acting in an undercover capacity ("U/C") entered a private Facebook chat group called *Palomeros de Miami*, which is Spanish for Pigeon-enthusiasts of Miami. This private chat group is dedicated to the enjoyment of pigeons and other birds, but its members on occasion use it for the illegal sale and barter of migratory birds. On that date, the U/C discovered a post by LOUREIRO advertising a Blue Grosbeak (*Pheucticus ludovicianus*) for sale. The poster's profile name was "Miguel Loureiro" and the profile photo showed a photo of LOUREIRO. A buyer purchased the Blue Grosbeak from LOUREIRO for \$140.

Def Exhibit 21

3. During the course of the conspiracy, LOUREIRO frequently used internet chat groups to offer migratory birds for sale, to sell them, and to barter them. For example, in an internet-based exchange taking place between May 5, 2017 and June 6, 2017, LOUREIRO used Facebook Messenger to sell two Indigo Buntings (*Passerina cyanea*), one Blue Grosbeak (*Passerina caerulea*), and two Painted Buntings (*Passerina ciris*) to a buyer in California for a total price of \$280. After receiving payment for the birds on June 3, 2017, LOUREIRO shipped the birds in a box with a false bottom. He hid the five migratory birds in the secret, bottom compartment and placed a pigeon in the top compartment. To engender confidence in his buyer, LOUREIRO sent the buyer videos and pictures of himself as he placed the migratory birds into the hidden compartment. He then sent the buyer a photo of his postal receipt. On June 6, 2017, the buyer acknowledged receiving the birds in California, but one of the Indigo Buntings (*Passerina cyanea*) had died.

4. On October 12, 2017, November 2, 2017, November 4, 2017, November 6, 2017, November 11, 2017, and December 1, 2017, LOUREIRO either offered for sale or completed sales of other migratory birds using internet-based communication.

5. LOUREIRO also used internet-based chat groups to communicate with and boast to other people interested in the illegal trapping and trade of migratory birds. On one occasion, he filmed himself forcefully throwing a Loggerhead Shrike (*Lanius ludovicianus*) against a sturdy wooden fence twice. Loggerhead Shrikes (*Lanius ludovicianus*) are carnivorous migratory birds, and LOUREIRO feared that the bird was a threat to his commercial stock of captured migratory birds. He posted the videos in the internet chat group and then further posted pictures of the Loggerhead Shrike crucified on a wooden cross with a sign that read *Por Comer Pajaros* (For Eating Birds).

JR.  
M.G.  
ML

6. On three separate occasions, LOUREIRO sold migratory birds directly to the U/C in recorded encounters. For example, on May 11, 2016, LOUREIRO sold two Indigo Buntings (*Passerina cyanea*) to the U/C for a total of \$200. On October 25, 2017, LOUREIRO sold two Rose-breasted Grosbeaks (*Pheucticus ludovicianus*) to the U/C for a total of \$400. On November 16, 2017, LOUREIRO sold one Rose-breasted Grosbeak (*Pheucticus ludovicianus*) to the U/C for \$180. During the recorded transaction, LOUREIRO stated that he had captured a bunch of Blue Grosbeaks (*Passerina caerulea*) that year and had sold them all. He further stated that he took a trip to North Carolina and returned with a nest containing four Blue Grosbeak (*Passerina caerulea*) chicks.

7. LOUREIRO erected three bird traps in secluded, forested areas near Everglades National Park. These bird traps were constructed of wood or light wire and consist of multiple pitfall doors baited with seed and a "bait bird" to lure wild birds into the trap. Once a migratory bird succumbs to the trap, the captured bird cannot escape. LOUREIRO suspended these bird traps in the tree canopies with ropes. He augmented the lure by placing electronic birdcall broadcasting systems powered by rechargeable batteries and solar panels near the traps. The broadcasting systems played birdcalls of the targeted species on a repeating loop.

8. LOUREIRO monitored the three traps on a daily basis to restock them with bird seed, remove predators from the traps, and, most importantly, retrieve captured migratory birds. Hidden trail cameras captured LOUREIRO tending to one of the trap sites on a daily basis from October 26, through November 14, 2017 and November 16, 2017.

9. On December 7, 2017, law enforcement authorities executed a search warrant at LOUREIRO's residence. They found thirteen deployed bird traps on his property, all of which were augmented by electronic birdcall broadcasting systems. They found two large aviaries

stocked with migratory birds. They found fifteen undeployed bird traps in a shed. They found four birdcages inside the house containing Blue Grosbeaks (*Passerina caerulea*). They found, in the kitchen of the residence, three empty bird cages as well as components for additional electronic birdcall broadcasting systems. The total number of birds discovered in the outdoor aviaries and birdtraps was ten Indigo Buntings (*Passerina cyanea*), twenty-nine Painted Buntings (*Passerina ciris*), forty-nine Rose-breasted Grosbeaks (*Pheucticus ludovicianus*), thirteen Blue Grosbeaks (*Passerina caerulea*), seven White-crowned Sparrows (*Zonotrichia leucophrys*), four Clay-colored Sparrows (*Spizella pallida*), and one Grasshopper Sparrow (*Ammodramus atricapilla*). It was LOUREIRO's intention to sell these 113 migratory birds.

10. After receiving and waiving *Miranda* warnings, LOUREIRO admitted that he had trapped over 300 birds and either sold or bartered them and admitted that he knew that trapping and selling migratory birds was illegal.

11. LOUREIRO had assistance from an unindicted co-conspirator. This person assisted LOUREIRO by lending him a vehicle to access the remote trap sites, by assisting him tend to and clear birds from the three remote trap sites, and by allowing LOUREIRO the use of the co-conspirator's Paypal and bank accounts to receive payment from purchasers.

BENJAMIN G. GREENBERG  
UNITED STATES ATTORNEY

Date: 5/24/18

By:

  
JAIMIE A. RAICH  
ASSISTANT UNITED STATES ATTORNEY

Date: 5/24/18

By:

  
MANUEL GONZALEZ  
ATTORNEY FOR DEFENDANT

Date: 5/24/18

By:

  
MIGUEL LOUREIRO  
DEFENDANT